

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH E. BERRY,

Plaintiff,

V.

RUSSELL O'FERRELL, et al.,

Defendants.

No. C09-5042 RBL/KLS

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the report and recommendation, Plaintiff's application to proceed *in forma pauperis* and the remaining record, hereby finds and **ORDERS**:

- (1) The Magistrate Judge's Report and Recommendation is approved and adopted.
- (2) Plaintiff shall pay the required filing fee (\$350.00) to the Clerk of the Court within thirty (30) days of the date of this Order, otherwise this action will be dismissed.
- (3) The Clerk is directed to send copies of this Order to Plaintiff and any other party that has appeared in this action.

DATED this 23rd day of September, 2009.

Boberg